



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,184	05/15/2001	Akira Koto	ATF1001-01US	9320
28327 7590 08/06/2007 THE LAW OFFICE OF JOHN A. GRIECCI 703 PIER AVE., SUITE B #657 HERMOSA BEACH, CA 90254			EXAMINER BATURAY, ALICIA	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 08/06/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/858,184

Applicant(s)

KOTO, AKIRA

Examiner

Alicia Baturay

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment filed 11 May 2007.
2. Claim 1 was amended.
3. Claims 5-7 and 11 were cancelled.
4. Claims 1-4 and 8-10 are pending in this Office Action.

Response to Amendment

5. The rejection is respectfully maintained as set forth in the last Office Action mailed on 7 February 2007. Applicant's arguments with respect to claims 1-4 and 8-10 have been fully considered but they are not persuasive and the old rejection maintained.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 3 and 8-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Sutcliffe et al. (U.S. 6,052,122).

8. With respect to claim 1, Sutcliffe teaches a method of searching for persons using a communication means comprising a plurality of the following steps:

A step whereby a plurality of participants connect their terminals with a server in a condition enabling their mutual communication via a communication means (Sutcliffe, Fig. 1, elements 15A-15N; col. 4, lines 22-35), a step whereby each of said participants inputs personal information thereof into said server from said terminals, a step whereby said server provides a plurality of various questionnaires that have been stored therein, for asking questions regarding the way of thinking of each of said participants, to each of said participants via said terminals, a step whereby said participants answer said questionnaires provided by said server using terminals (Sutcliffe, Figs. 2A and 2B; col. 5, line 27 – col. 7, line 37), a step whereby said server detects other participants among a plurality of said participants who have given the same or a similar answer and/or other participants among a plurality of participants who have given an opposite answer, a step whereby, said step whereby said server provides a plurality of various questionnaires, said step whereby said participants answer said questionnaires, and said step whereby said server detects other participants, are repeated until the detection result reaches a predetermined number of people (Sutcliffe, col. 7, line 64 – col. 8, line 64), a step whereby in the case where said detection result becomes less than the predetermined number of people, the server goes back to the detection results of a questionnaire one prior to that questionnaire (Sutcliffe, col. 8, line 64 – col. 9, line 10), and transmits a message to said terminal to direct the particular participant to prioritize other participants to be mutually introduced, and wherein, in the case where other participants to whom mutual introduction is desired are present based on said order of

priority (Sutcliffe, col. 9, lines 11-48), the server proceeds to the following step, and a step whereby introductory information prepared based on said mutual personal information is provided via said terminals between said participant and other participants who have given the same or similar answer and/or who have given an opposite answer detected by said detection (Sutcliffe, col. 4, lines 7-10).

9. With respect to claim 3, Sutcliffe teaches the invention described in claim 1, including the method of searching for persons using a communication means wherein said method comprises a step after said step whereby introductory information prepared based on said mutual personal information is provided, of enabling communications between both said participant and said another participant or among more than 3 participants (Sutcliffe, col. 4, lines 7-10).
10. With respect to claim 8, Sutcliffe teaches the invention described in claim 1, including the method of searching for persons using a communication means wherein said method further comprises a step wherein, while the step whereby said server provides a plurality of various questionnaires, the step whereby said participants answer said questionnaires, and the step whereby said server detects other participants, are repeated, the server detects other participants among a plurality of participants who have given the same or a similar answer and/or other participants among a plurality of participants who have given an opposite answer, and notifies each participant of the detection results each time via said terminals (Sutcliffe, col. 8, lines 2-15).

Art Unit: 2155

11. With respect to claim 9, Sutcliffe teaches the invention described in claim 1, including the method of searching for persons using a communication means wherein said method adapts a system of selecting one answer out of a plurality of answers of participant's own will, which have been previously prepared for said questionnaires (Sutcliffe, col. 9, lines 49-65).
12. With respect to claim 10, Sutcliffe teaches the invention described in claim 1, including the method of searching for persons using a communication means wherein said server sets up a system by which, a participant out of said participant or other participants who expresses the desire to be introduced to the other participant would pay the fee for said communication means after confirming his desire to be introduced to a partner (Sutcliffe, col. 4, lines 7-10).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutcliffe and further in view of Fraccaroli (U.S. 6,549,768).

Sutcliffe teaches the invention substantially as claimed including a system of matching a first user with at least one other user of the system by comparing criteria data of the first user with characteristic data of the at least one other user and criteria data of the at least one other user with characteristic data of the first user. The characteristic and criteria data can be obtained via the Internet, and more specifically through a series of web site screens that prompt the user for characteristic and preference data. The system performs the comparison of the respective characteristic and criteria data to provide a list of matches to the first user. The first user is furnished with information that allows the first user to contact the other users for which a match has been found (see Abstract).

15. With respect to claim 2, Sutcliffe teaches the invention described in claim 1, including a method of searching for persons using a communication means comprising a plurality of the following steps: A step whereby a plurality of participants connect their terminals with a server in a condition enabling their mutual communication via a communication means (Sutcliffe, Fig. 1, elements 15A-15N; col. 4, lines 22-35), a step whereby each of said participants inputs personal information thereof into said server from said terminals, a step whereby said server provides a plurality of various questionnaires that have been stored therein to each of said participants via said terminals, a step whereby said participants answer said questionnaires provided by said server using terminals (Sutcliffe, Figs. 2A and 2B; col. 5, line 27 – col. 7, line 37), a step whereby said server detects other participants among a plurality of said participants who have given the same or a similar answer and/or other participants among a plurality of participants who have given an opposite answer, a step

whereby, said step whereby said server provides a plurality of various questionnaires, said step whereby said participants answer said questionnaires, and said step whereby said server detects other participants, are repeated until the detection result reaches a predetermined number of people (Sutcliffe, col. 7, line 64 – col. 8, line 64), a step whereby in the case where said detection result becomes less than the predetermined number of people, the server goes back to the detection results of a questionnaire one prior to that questionnaire (Sutcliffe, col. 8, line 64 – col. 9, line 10), and transmits a message to said terminal to direct the particular participant to prioritize other participants to be mutually introduced, and wherein, in the case where other participants to whom mutual introduction is desired are present based on said order of priority (Sutcliffe, col. 9, lines 11-48), the server proceeds to the following step, and a step whereby introductory information prepared based on said mutual personal information is provided via said terminals between said participant and other participants who have given the same or similar answer and/or who have given an opposite answer detected by said detection (Sutcliffe, col. 4, lines 7-10).

Sutcliffe does not explicitly teach a common deadline for answering questions.

However, Fraccaroli teaches the method of searching for persons using a communication means wherein a common deadline for answering said questionnaires by a plurality of participants has been previously set (Fraccaroli, col. 9, line 50 – col. 10, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sutcliffe in view of Fraccaroli in order to enable the use of a common deadline for answering questions. One would be motivated to do so in order to initiate

contact between persons utilizing a wireless communications network on the basis of their physical location and the similarity of information which they have stored in the network.

16. With respect to claim 4, Sutcliffe teaches the invention described in claim 1, including a method of searching for persons using a communication means comprising a plurality of the following steps: A step whereby a plurality of participants connect their terminals with a server in a condition enabling their mutual communication via a communication means (Sutcliffe, Fig. 1, elements 15A-15N; col. 4, lines 22-35), a step whereby each of said participants inputs personal information thereof into said server from said terminals, a step whereby said server provides a plurality of various questionnaires that have been stored therein to each of said participants via said terminals, a step whereby said participants answer said questionnaires provided by said server using terminals (Sutcliffe, Figs. 2A and 2B; col. 5, line 27 – col. 7, line 37), a step whereby said server detects other participants among a plurality of said participants who have given the same or a similar answer and/or other participants among a plurality of participants who have given an opposite answer, a step whereby, said step whereby said server provides a plurality of various questionnaires, said step whereby said participants answer said questionnaires, and said step whereby said server detects other participants, are repeated until the detection result reaches a predetermined number of people (Sutcliffe, col. 7, line 64 – col. 8, line 64), a step whereby in the case where said detection result becomes less than the predetermined number of people, the server goes back to the detection results of a questionnaire one prior to that questionnaire (Sutcliffe, col. 8, line 64 – col. 9, line 10), and transmits a message to said terminal to direct the

particular participant to prioritize other participants to be mutually introduced, and wherein, in the case where other participants to whom mutual introduction is desired are present based on said order of priority (Sutcliffe, col. 9, lines 11-48), the server proceeds to the following step, and a step whereby introductory information prepared based on said mutual personal information is provided via said terminals between said participant and other participants who have given the same or similar answer and/or who have given an opposite answer detected by said detection (Sutcliffe, col. 4, lines 7-10).

Sutcliffe does not explicitly teach confirming whether the participants desire mutual introductions or not.

However, Fraccaroli teaches the method of searching for persons using a communication means wherein said method comprises a step, after said step whereby said server detects other participants, and prior to said step whereby introductory information prepared based on said mutual personal information is provided, of confirming whether said participants desire mutual introductions or not (Fraccaroli, col. 10, line 40 – col. 11, line 29).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sutcliffe in view of Fraccaroli in order to enable confirmation of whether the participants desire mutual introductions or not. One would be motivated to do so in order to initiate contact between persons utilizing a wireless communications network on the basis of their physical location and the similarity of information which they have stored in the network.

Response to Arguments

17. Applicant's arguments filed 11 May 2007 have been fully considered, but they are not persuasive for the reasons set forth below.
18. ***Applicant Argues:*** Sutcliffe and Fraccaroli both fail to disclose a method having a server that can provide a plurality of questionnaires regarding the way of thinking of each of the participants.

In Response: The examiner respectfully submits that Sutcliffe teaches a step whereby said server provides a plurality of various questionnaires that have been stored therein, for asking questions regarding the way of thinking of each of said participants (a user can interactively take a psychology test, such as enneagrams and Briggs-Meyers, that yield discrete results. A user can take the test and have the option to have the results added as a characteristic data element and as a criteria element – see Sutcliffe, col. 7, lines 28-34). These psychology tests, enneagrams or Briggs-Meyers, read on the claim limitation of “questions regarding a way of thinking.” This renders the rejection proper, and thus the rejection stands.

19. ***Applicant Argues:*** Fraccaroli fails to disclose a common deadline. An advantage in the current invention is that by setting a common deadline, upon completion of the

questionnaires, the matching system can match people at that moment (in real time) while the participants are currently participating, available, and waiting for possible matches.

In Response: The examiner respectfully submits that Fraccaroli teaches a common deadline (the matching process is carried out automatically and in real-time whenever the user enters a new location area – see Fraccaroli, col. 9, line 50 – col. 10, line 5). This renders the rejection proper, and thus the rejection stands.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

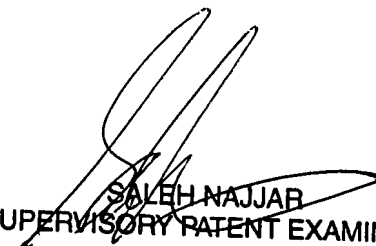
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay
July 23, 2007



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER